

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
W.A. DREW EDMONDSON, in his capacity as
ATTORNEY GENERAL OF THE STATE OF
OKLAHOMA, and OKLAHOMA SECRETARY
OF THE ENVIRONMENT C. MILES TOLBERT,
in his capacity as the TRUSTEE FOR NATURAL
RESOURCES FOR THE STATE OF OKLAHOMA,

Plaintiffs,

vs. No. 05-CV-0329 GFK-SAJ

TYSON FOODS, INC., TYSON POULTRY, INC.,
TYSON CHICKEN, INC., COBB-VANTRESS, INC.,
AVIAGEN, INC., CAL-MAINE FOODS, INC.,
CAL-MAINE FARMS, INC., CARGILL, INC.,
CARGILL TURKEY PRODUCTION, LLC,
GEORGE'S, INC., GEORGE'S FARMS, INC.,
PETERSON FARMS, INC., SIMMONS FOODS, INC.,
and WILLOW BROOK FOODS, INC.,

Defendants.

VIDEO DEPOSITION OF DANIEL JOSEPH PARRISH
TAKEN ON BEHALF OF THE DEFENDANTS
ON JANUARY 14, 2008, BEGINNING AT 9:37 A.M.
IN OKLAHOMA CITY, OKLAHOMA

Videographer: Stephanie Britton
Reported by: Lana L. Phillips, CSR, RPR

APPEARANCES:

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GEORGE'S FARM, INC.:

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1 Cal-Maine defendants.

2 MR. TUCKER: John Tucker for
3 Cargill.

4 MS. GRIFFIN: Jennifer Griffin for
5 Willow Brook Foods.

6 THE VIDEOGRAPHER: The court
7 reporter will now swear the witness.

8 DANIEL JOSEPH PARRISH,
9 having been first duly sworn, deposes and says in
10 reply to the questions propounded as follows:

11 DIRECT-EXAMINATION

12 BY MR. McDANIEL:

13 Q Good morning, sir.

14 A Good morning.

15 Q Would you state your full name,
16 please.

17 A Daniel J. Parrish, P-a-r-r-i-s-h.

18 Q What does the J stand for?

19 A Joseph.

20 Q Okay. Sir, what is your employment?

21 A I'm employed with the Oklahoma
22 Department of Agriculture, Food, and Forestry.

23 Q What's your title or your position?

24 A I am title of the Agricultural
25 Environmental Management Services division,

1 **A** He says, in Subject Matter: "Litter
2 to energy" -- is the subject matter that he's
3 giving his opinions on.

4 **Q** Well, and it appears that he's
5 rather adverse to the idea.

6 Would you agree?

7 **A** In reading this document, yes.
8 And I had read it previously; did
9 not respond, nor do anything with it.

10 **Q** The second paragraph, Mr. Smolen
11 says: "To me, the problem is more direct. The
12 raw litter, itself, is a commodity that needs to
13 be recycled," in parenthesis, "to the land."

14 Do you see that -- where it says
15 that?

16 **A** Yes, I do.

17 **Q** Now, he also continues in that
18 paragraph, he says: "We lose the valuable soil
19 amendment in favor of little energy."

20 Do you see where he said that?

21 **A** Yes.

22 **Q** Do you agree that raw litter
23 provides a valuable soil amendment?

24 MR. GARREN: Object as to form and
25 predicate.

1 THE WITNESS: Raw litter can provide
2 a valuable soil amendment.

3 Our concern, as a regulatory
4 division, is, it has to be done correctly and
5 according to laws and rules and regulations.

6 Q (BY MR. McDANIEL) In the third
7 paragraph, he says: "If purchased to meet NPK
8 requirements" -- I assume that means nitrogen,
9 phosphorus, and potassium requirements?

10 A I would assume also.

11 Q "If purchased to meet NPK
12 requirements, however, litter is better than
13 commercial fertilizer. One, it does not acidify
14 the land as occurs with some nitrogen and
15 phosphorus fertilizers."

16 Do you agree with that statement?

17 MR. GARREN: Object as to form,
18 predicate.

19 THE WITNESS: I would agree with
20 that statement, especially since he says "as
21 occurs with some nitrogen" and -- he uses the
22 word "some nitrogen and phosphorus fertilizers,"
23 yes.

24 Q (BY MR. McDANIEL) All right. And
25 says: "Litter is better than commercial

1 operator in the Illinois River watershed who is
2 currently operating in violation of his or her
3 animal waste management plan?

4 If you can answer it yes or no, I
5 request that you do so.

6 MR. GARREN: Same objection.

7 THE WITNESS: I cannot answer it yes
8 or no.

9 Q (BY MR. McDANIEL) You can't tell me
10 what you're aware of?

11 A I can't answer if anyone is in
12 violation of our laws and rules, because I'm not
13 out to every operation every day, nor is our
14 staff out to every operation every day.

15 There's not enough state troopers to
16 pick up everybody that's speeding on the roads.

17 Q I understand that point, sir, and
18 it's been made multiple times by you.

19 My question is: Are you aware of
20 any operator -- poultry operator in the watershed
21 that is currently in violation of their plan?

22 A I am not aware of any today. But
23 that answer can only be said by saying that we do
24 not have enough staff to be able to determine
25 that on a daily, hourly basis.